

Luinahi Rodriguez  
11/7/2016

Page: 1

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE WESTERN DISTRICT OF OKLAHOMA  
3   NAIR RODRIGUEZ, as next of kin to the)  
4   ESTATE OF LUIS RODRIGUEZ, NAIR       )  
5   RODRIGUEZ, Individually, and LUINAHÍ )  
6   RODRIGUEZ, Individually,               )  
7                   Plaintiffs,               )  
8   )  
9   - vs -                                       ) No.   CIV-16-00150-D  
10    )  
11   WARREN THEATRES, LLC; OKLAHOMA WARREN)  
12   THEATRES, LLC; BRIAN CLARKSTON; TYLER)  
13   HOWSER; CHAD STRANG; THE CITY OF       )  
14   MOORE ex rel. THE MOORE POLICE        )  
15   DEPARTMENT; JOSEPH BRADLEY; RYAN       )  
16   MINARD; MIDWEST REGIONAL MEDICAL       )  
17   CENTER EMS; MIDWEST REGIONAL MEDICAL )  
18   CENTER, LLC; GUY RODOLPH; JASON        )  
19   SMITH,                                     )  
20    )  
21                   Defendants.               )  
22    )

23  
24  
25                   VIDEOTAPED DEPOSITION OF LUINAHÍ RODRIGUEZ  
26  
27                   TAKEN ON BEHALF OF THE DEFENDANTS  
28  
29                   IN OKLAHOMA CITY, OKLAHOMA  
30  
31                   ON NOVEMBER 7, 2016  
32  
33                   COMMENCING AT 9:35 A.M.

34  
35                   INSTASCRIP, LLC  
36                   101 PARK AVENUE, SUITE 910  
37                   OKLAHOMA CITY, OKLAHOMA 73102  
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40  
41                   REPORTED BY: LORI A. JOHNSTON, CSR, RPR, CLR, RSA

Luinahi Rodriguez  
11/7/2016

Page: 111

1 dad saying anything to the officer before he tried to walk  
2 around him, but after the officer asked to see his ID?

3 A No.

4 Q Okay. What happened when your dad tried to  
5 walk around the security guard?

6 A He tried to get this arm. (Indicating). I  
7 guess the one on the left. But my dad just continued to  
8 walk, and an officer fell.

9 Q Okay. Well, now, do you think that is -- that  
10 all happens during this first confrontation with the one  
11 officer at 5:21 on the video, or is that a few seconds  
12 later? And it's perfect -- I mean, if you think it happens  
13 at this point, that's fine. But...

14 A When my -- my dad walked around, I don't know  
15 if it happened at this point or --

16 Q Okay. Well, let's --

17 A But when he walked around.

18 Q Okay. But you do remember when you and your  
19 dad were first approached, the officer told you that they  
20 had gotten a report somebody had hit someone?

21 A Correct.

22 Q And your dad said, "Yeah, my wife struck my  
23 daughter, but it's a family deal"?

24 A He didn't use "struck," but yes.

25 Q Okay. Well --

Luinahi Rodriguez  
11/7/2016

Page: 112

1           A     Basically implying that it was between me and  
2     her.

3           Q     Do you remember what your dad did say?

4           A     "My -- my wife hit my daughter, but this is a  
5     family situation."

6           Q     Okay. And then at that point, your dad tried  
7     -- the officer asked for your ID; right?

8           A     Yes.

9           Q     You tell him that it's with your mom?

10          A     Yes.

11          Q     Yours is with your mom?

12          A     Yes.

13          Q     And your dad tries to walk around the officer?

14          A     Yes.

15          Q     Okay. But your dad didn't grab his ID?

16          A     No.

17          Q     Do you know whether your dad at this time --  
18     did he carry a wallet?

19          A     I believe so.

20          Q     I mean, did -- have you --

21          A     Because I think --

22          Q     Do you know where your dad kept his driver's  
23     license?

24          A     That's something you would have to ask my dad.

25          Q     Okay. Well, I was just, like, for -- well, how

Luinahi Rodriguez  
11/7/2016

Page: 122

1           A     He wasn't doing anything. He was already on  
2     the ground and went "Uh." That's the only thing. And he  
3     was like this and, like, down already. (Indicating).

4           Q     You -- the officers told him to calm down after  
5     he was on the ground?

6           A     Uh-huh.

7           Q     They didn't tell him to calm down before he was  
8     on the ground?

9           A     No.

10          Q     Did any officer at any time say, "Give me your  
11     ID or I'll have to arrest you"?

12          A     No.

13          Q     Did any --

14          A     At that point, once my -- my father walked  
15     around, no mention of the ID or anything like that.

16          Q     Okay. So the last time the officer asked for  
17     the ID, your dad did not respond and continued to --

18          A     No.

19          Q     -- try and walk around?

20          A     Correct.

21          Q     Correct?

22                     And that's when somebody grabbed his left arm?

23          A     Uh-huh.

24          Q     That officer falls down?

25          A     Uh-huh.